

Appl. No.: 10/753,135
Amdt. dated 04/26/2005
Reply to Office action of March 8, 2005

REMARKS

Reconsideration and allowance of the above identified application is respectfully requested in light of the above amendments and the following remarks.

In the Official Action, dependent Claims 5 and 7 were indicated to be allowable when presented in independent form. Claim 1 (amended) and new Claim 21 represent dependent Claims 7 and 5 re-written in independent form respectively, and it is accordingly submitted that Claim 1 (amended) and Claim 21, and their dependent Claims 2-6 and 8-9 are in condition for immediate allowance.

New Claim 22 is presented to highlight an important distinction over the disclosure of the cited Sauder patent, No. 5,072,552. In this regard, it will be noted that the flashing disclosed in the Sauder patent is designed for use in sealing a roof line against the corner of an upright protrusion 56, and the flashing comprises a base 12 and an upstanding wall 24 which has a folded configuration which permits the wall to be adjusted to conform to the protrusion, note Figs. 3-6. The presently claimed flashing is designed so as to be suitable for use in a window or portal opening, and it is composed of a base member having first and second generally flat portions 20, 30 which are joined in a right angled corner, and the flat portions define respective inner surfaces 24, 34 which are disposed on the inside of the corner, and outer surfaces 22, 32 disposed on the outside of the corner. A front face plate 14 extends from aligned end edges of the first and second portions, i.e., the end edges opposite the end edge 16 as seen in Figs. 1-3. A plurality of channels are formed in at least one of the inner surfaces 24, 34, and significantly, and as best seen in Fig. 4, the outer surfaces 22, 32 are substantially planar and they are free of

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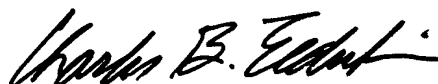
channels. This permits a solid abutment between the outer surfaces and the sill or jamb of the portal opening. The wall 24 of Sauder, being of folded cross section, could not function in the manner of the claimed invention.

In response to the restriction requirement as set forth in the Official Action, the applicant hereby affirms the election of Group I, namely Claims 1-9. The new Claims 21-26 are seen to be included within the elected invention. The non-elected Claims 10-20 have been cancelled to facilitate and advance the prosecution of this application, but the applicant expressly reserves the right to present corresponding claims in a divisional application.

The citation to patent number 5,284,686 in the middle of page 4 of the Official Action is noted, but the citation appears to be in error, since the subject matter of the patent does not have any relevance to the present invention.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are in condition for immediate allowance, and such action is solicited.

Respectfully submitted,



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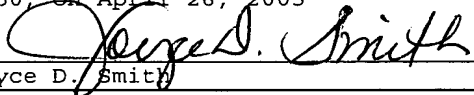
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 26, 2005


Joyce D. Smith